

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 105

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO FIREARMS; ALLOWING CONCEALED HANDGUNS IN A LICENSED LIQUOR ESTABLISHMENT THAT DERIVES MORE THAN SIXTY PERCENT OF ITS ANNUAL GROSS RECEIPTS FROM THE SALE OF FOOD FOR CONSUMPTION ON THE PREMISES; AMENDING A SECTION OF THE CRIMINAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-7-3 NMSA 1978 (being Laws 1975, Chapter 149, Section 1, as amended) is amended to read:

"30-7-3. UNLAWFUL CARRYING OF A FIREARM IN LICENSED LIQUOR ESTABLISHMENTS.--

A. Unlawful carrying of a firearm in an establishment licensed to dispense alcoholic beverages consists of carrying a loaded or unloaded firearm on any premises licensed by the regulation and licensing department for the dispensing of alcoholic beverages except:

.174813.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 (1) by a law enforcement officer in the lawful
2 discharge of the officer's duties;

3 (2) by a law enforcement officer who is
4 certified pursuant to the Law Enforcement Training Act acting
5 in accordance with the policies of the officer's law
6 enforcement agency;

7 (3) by the owner, lessee, tenant or operator
8 of the licensed premises or the owner's, lessee's, tenant's or
9 operator's agents, including privately employed security
10 personnel during the performance of their duties;

11 (4) by a person carrying a concealed handgun
12 who is in possession of a valid concealed handgun license for
13 that gun pursuant to the Concealed Handgun Carry Act [~~provided~~
14 ~~that the~~] on the premises of:

15 (a) a licensed establishment that does
16 not sell alcoholic beverages for consumption on the premises;
17 or

18 (b) a licensed establishment that
19 derives more than sixty percent of its annual gross receipts
20 from the sale of food for consumption on the premises;

21 (5) by a person in that area of the licensed
22 premises usually and primarily rented on a daily or short-term
23 basis for sleeping or residential occupancy, including hotel or
24 motel rooms;

25 (6) by a person on that area of a licensed

.174813.1

underscoring material = new
[bracketed material] = delete

1 premises primarily used for vehicular traffic or parking; or

2 (7) for the purpose of temporary display,
3 provided that the firearm is:

4 (a) made completely inoperative before
5 it is carried onto the licensed premises and remains
6 inoperative while it is on the licensed premises; and

7 (b) under the control of the licensee or
8 an agent of the licensee while the firearm is on the licensed
9 premises.

10 B. Whoever commits unlawful carrying of a firearm
11 in an establishment licensed to dispense alcoholic beverages is
12 guilty of a fourth degree felony."

13 Section 2. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2009.